



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

MAXIMUM VS. MINIMUM HOUR LEGISLATION

BY RICHARD A. FEISS,

Manager of the Clothcraft Shops, Cleveland.

1. Public opinion is back of the movement to shorten hours and I am heartily in favor of this movement. A different view, however, should be taken in working this out from that which has been taken in the past. I believe that there are two distinct phases to this question: first, that hours should not be so long as to cause fatigue, and second, that when this length of hours has been reached, it is very desirable still further to shorten hours as a reward for efficiency.

2. Generally speaking, the desirability of the second has been confused with the first and has led to drastic and unintelligent legislation without consideration of the facts. In my opinion the scope of legislation should be strictly limited to the first proposition. If such legislation is to be based upon facts, the result will not be an arbitrarily hard and fast limitation of an eight-hour day or a forty-eight-hour week applied to all indiscriminately, regardless of conditions.

3. If we are to consider the facts, the industry itself must be taken into consideration from every point of view. In other words, there are conditions inherent in the nature of the industry that should govern the situation. In some industries women are required to perform hard manual work while standing in water or confined to work rooms that have to be especially heated to a very high degree of temperature. It is apparent that the maximum limitation of hours in such an industry should be vastly different from that in an industry having good wholesome surroundings and requiring only a minimum of physical effort.

4. Moreover, in order that the great mass of workers in a scientific organization may work the minimum of hours, it is essential that a few, whose business it is to prepare their work and whose actual efforts are generally semi-clerical and intermittently performed, work a greater length of hours than would be considered a proper standard for the general working force. For example, it

will be generally conceded that the great mass of executive work of an organization requires a longer time for its performance than that of the general body of workers in the shop. Practical legislation must not only take this fact into consideration but must also provide for the large amount of semi-executive work which is also essential in a well organized plant to insure against the usual delays and other obstacles in furnishing work to the worker. This does not mean that the principle of limitation of hours should not be applied to all. In fact it is just as essential to have the hours of office and bank clerks, household servants and others included in maximum hour legislation as those of any other class of work. I believe, however, that legislation should take into consideration all the facts and conditions and should not make any general provisions, rather making limitations dependent upon industry, occupation and other specific conditions.

5. In the construction of legislation of this nature I wish particularly to call attention to the desirability of having limitations set rather for the week than for the day. Limitations for the day should be of such a nature as to permit weekly limitations of hours to be used up in any five days in the week. Investigations are bringing us more and more to realize that cumulative rest periods at the end of the week are more valuable than shorter rest periods scattered through the week. We believe that further investigation will undoubtedly prove that it is a most beneficial plan for workers to work somewhat longer periods during five days in the week in order to get two days of complete relaxation at the end of the week. It is our opinion that in the near future the ideal week for the worker will consist of five full days of work and two full days of rest. Unintelligent legislation is one of the greatest obstacles to this attainment.

6. I wish particularly to call attention to the fact that the sphere of legislation should consist in setting maximum limitations. Very often the minimum or at least the actual standard desired is set up as the maximum, the practical result being quite different from that intended by those who support this kind of legislation. Naturally, the result is neither sound nor fair.

7. In the vast majority of industries, and in fact in all industries involving consecutive or continuous manufacture, it is absolutely essential that a small group of workers work a little more than normal hours occasionally in order that the remainder of the workers in

the business do not materially suffer. These extra hours of overtime, while sincerely deprecated by all, do not, however, become a burden, because in the ordinary course of things they are distributed and occasionally fall on this group and occasionally on that group of workers. In its effect upon any one group it amounts to a very small fraction of time, but it is very essential to the rest of the organization and should be provided for by intelligent legislation. To provide for the above practical contingency the maximum limitation of hours can be set somewhat higher than the actual effect desired. For example, if the maximum is fifty or fifty-two hours a week, the average regular time in a factory will necessarily be about forty-eight hours or less.



Fig. I will show the chart of a typical day's work in a scientifically managed factory. This will illustrate the fact that, where work consists of a series of consecutive operations, the length of time worked by different operators varies considerably, and while in this instance there are a very few operators whose work covers a period of nine hours or a little over, the working time of the vast majority is considerably less. So the record for any week's work in

the same factory would show a few operators working about fifty hours, while the actual hours of work average between forty-three and forty-four.

Another way to meet contingencies of this kind is to have the law provide for a standard working schedule to be properly posted in every work room with a certain additional number of hours extra time permitted with certain other restrictions. There are of course many other ways for meeting this and similar contingencies which have to be faced in the practical working out of legislation of this kind. The chief thing to my mind in the working out of reasonable legislation should be the taking into consideration of facts and their results and a full realization that the facts in each case should be the subject of scientific investigation by experts. That the opinion of experts is valuable goes without saying. That consideration of the subject from this point of view is practicable I need only refer to a recent paper of Professor Frederic S. Lee of Columbia University entitled "Is the Eight-hour Working-day Rational?"¹ In this article Professor Lee speaks of a classification, on a physiological basis, of work and workers:

Such a study is not impossible, and it would afford the only basis for a rational and really intelligent solution of the problem. It would doubtless lead to the establishment of no rigid, but an elastic system in which the work would be adapted to the worker, and the worker to the work. In one industry the duration of labor might be eight hours, in another it might be more or less than eight hours. So too, within a single industry one worker might labor longer than another. Such a solution could be made to satisfy both economic and social demands and lead to the maximum of individual and national efficiency.

¹ Read before the Section on Industrial Hygiene of the American Public Health Association, Cincinnati, October 25, 1916. Appearing in the November 24, 1916, issue of *Science*.